

**EXHIBIT "A"**

# FORM OF AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA )

COUNTY OF ERIE )

SS

Before me the subscriber personally appeared Jo Anne R. Bickel, a Commissioned Pennsylvania Notary Public, to me known, or satisfactorily proven to be, who being duly sworn according to law, doth depose and say that she performed Notary Service for Anthony DeFranco, #DZ-3518 on the following dates:

08/25/02 Inmate Grievance – Camp Hill  
12/18/02 Grievance  
01/28/04 Statement to Dr. Beard  
03/23/04 Inmate Grievance – Camp Hill, dated 3-23-04

These dates and items are taken from the Official Notarial Register.

And further deponent sayeth not.

Jo Anne R. Bickel  
Jo Anne R. Bickel

May 3, 2005  
(Date)

Sworn and Subscribed before me, a Notary Public of this Commonwealth

On this 3 day of May, 2005 A.D.

Margaret A. Roward

Notarial Seal  
Margaret A. Roward, Notary Public  
Conneaut Twp., Erie County  
My Commission Expires July 12, 2006

My Commission expires on the July<sup>M.R.</sup> day of July 20 06  
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**EXHIBIT "B"**

## AFFIDAVIT

On September 26, 2002, On D-Unit at SCI-Albion, at approx. 3 p.m., I, Anthony DeFranco, spoke with Superintendent Wolfe regarding my z-code, missing property and the lack of response to my grievance regarding the z-code. I explained that I was not trying create "waves" but that I am having a very hard time being in a double cell. I advised him that my psychiatrist was in the process of sending out a recommendation that my z-code be reinstated and he told me that he believes that he had already received it or heard about it. He went on to explain that the prison was experiencing some serious over-crowding and that they were in the process of opening new dorms (making our t.v. rooms into dorms). He said that he would look into it further but do to over-crowding it may take some time. I told him my concern about possible retaliation over my z-code pursuit and he assured me that there would not be. He also advised me that he would check on my grievance. Our conversation lasted approx. 10 minutes; witnessed by Ofc. Coll, Sgt. Christopher and counselor Hosu. They were near the officers desk while the Superintendent and I talked. Mr. Wolfe stated that he would look into the z-code matter and why I have not received a response to my grievance. To his benefit, he did say that if he had his way that all lifers would be given single cells.

*Anthony DeFranco*  
 10-6-02  
 Anthony DeFranco

Sworn and subscribed before me  
 this 26th day of Oct., 2002.

*Jo Anne R. Bickel*  
*Notary Public*

Notarial Seal  
 Jo Anne R. Bickel, Notary Public  
 Conneaut Twp., Erie County  
 My Commission Expires Sept. 23, 2006  
 Member, Pennsylvania Association Of Notaries

**EXHIBIT "C"**

Anthony DeFranco CZ-3518  
S.C.I. Albion  
10745 Route 18  
Albion, Pa. 16475-0002

Jeffrey A. Beard, Ph.D.  
Secretary of Corrections  
2520 Lisburn Rd., P.O. Box 598  
Camp Hill, Pa. 17001-0598

January 22, 2004

Re; Single Cell (z-code) and retaliatory  
actions possibly taken

Dear Dr. Beard;

I realize how busy you must be, however I am hopeful you will be able to take some time out to correct a wrong that has happened to me and to make sure that I am not retaliated against for complaining about it.

Sir, while housed at SCI-Pittsburgh, from about 1992-99, for the majority of the time I was put on a single cell unit (North-Block, E-Unit). I was not listed a Z-Code there because I asked my treating psychiatrist not to as I had been trying to receive a transfer to SCI-Albion and with a z-code I thought it could hinder a transfer; and because of my mother's health; the transfer brought me to within a  $\frac{1}{2}$  an hour away from her and my family. I was then placed on the North Block, now known as "E-Unit" until my transfer here. After arriving here, they double-celled me with a number of people, over a couple of month period; I could not cope with a cell-mate and so I was made into a "Z-Code" in February of 2000. During this time, my panic disorder became increasing worse and I was treated by Dr. Lindemuth, the psychiatrist here. She placed me on valium (please note that while at SCI-Pittsburgh I was seeing Dr.'s and placed on different medications).

In March of 2002 I made a bad choice and threatened an Officer here (although I was being facetious). I went to the RHU and was let out to a different unit. Please note that this new unit "staffed" me out of my z-code only 1 month after I came out of the RHU for threatening the Officer. Also, none of the people who "voted" on whether I should remain z-code knew me.

Beard, page II  
January 22, 2004

SCI-Albion has a very unique way of z-coding inmates and taking the z-codes away. The guards on the unit vote; your counselor votes; unit manager; the inmate program person; psychology; the major of the guard; Dep. Superintendents and finally the Superintendent. As I said, my z-code was being voted upon by unit staff at the time who did not know me. Of interest is that no one asks the treating psychiatrist here if a z-code should stay or be removed.

As soon as my psychiatrist (Dr. Lindemuth) found out what this place did (take away the z-code) she immediately sent out a Memo that I should be conferred back to z-code status because of my mental health and inability to contend with cell-mates. She wrote that memo over a year ago and no one ever mentioned it.

I filed numerous complaints that went unresponded to, requests to staff and basically have done everything I can to restore my needed z-code. Dr. Lindemuth told me that I would either go into an emotional rage or "internalize" my hostility of contending with a cell-mate. I have been threatened by SCI-Albion of being transferred to SCI-Frackville. I have been so afraid of being moved further away from my family over this; I don't want to be transferred because of my inability of dealing with a cell-mate. Since being double celled, I have gone through 8 separate cell-mate changes; needed more counseling from my psychiatrist and psychology and am now (since June of 2003) on aspirin a day, Lopressor and nitro pills for my heart. What Dr. Lindemuth stated before has become reality; I am internalizing my hostility because I am double celled; and know that if I slip up and get into a fight with cell-mates, this place will move me far away from home. So, I have been sitting in this cell, just accepting the mental abuse.

Dr. Beard, the system utilized here at SCI-Albion is improper, in my opinion. Why doesn't the treating psychiatrist get to "vote" on an inmate's z-code. The Dr. would certainly be the best and most qualified to make that decision. Further, it at the very least, this has the appearance that SCI-Albion retaliated against me for the incident with the threatening of the guard because they took away my z-code only one month after I came from the RHU for the incident. No one has explained to me how I became "better" if I just went to the RHU for that incident. I have done everything I can to handle this internally; now I must risk further retaliation by writing to you, hiring a lawyer and fighting the decision made to remove my z-code because my health is deteriorating over this. I am hopeful that you will not allow SCI-Albion to transfer me over this or come up with some questionable excuse to transfer me because I have brought this to your attention and hired counsel.

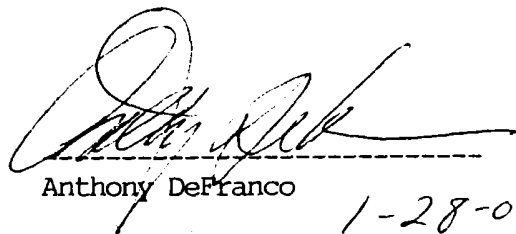
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ry 22, 2004

I believe that the psychology department here and medical have two separate files on our mental health. The two departments do not communicate as one would think. In my "medical file", there is conclusive evidence of my need for my z-code to be returned and left there. I truly believe that my z-code was lifted as a retaliatory action for the incident with the guard in 2002. Two (2) years ago.

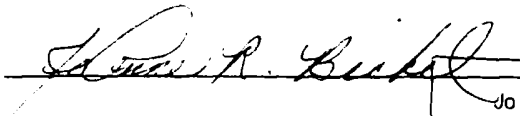
Dr. Beard, in closing, I would like to say that despite my hardship of double celling, I have been teaching the citizenship program here for more and 1½ years, have maintained employment at the law library and have stayed misconduct free. I am not a "trouble-maker"; and I have strived to do my best at dealing with cell-mates; but has become so overwhelming that I need your help to restore the z-code that was taken away from me erroneously.

Please do not allow any retaliation to come to me because I have written you, hired counsel and am trying to receive the medically needed z-code as directed by Dr. Lindemuth. Thank-you for your fairness and understanding.

Sworn to and subscribed before me  
this 28 day of January, 2004

  
Anthony DeFranco

1-28-04



Notarial Seal  
Jo Anne R. Bickel, Notary Public  
Conneaut Twp., Erie County  
My Commission Expires Sept. 23, 2006  
Member, Pennsylvania Association Of Notaries



DC-138A		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
<b>CASH SLIP</b>		<i>D/A 57</i> <b>57</b>	
1. REQUISITIONING INMATE <i>De Franco</i>			
FACILITY NUMBER <i>C2-351F</i>	LOCATION <i>D/A 57</i>	DATE <i>1-28-04</i>	
2. ITEMS TO BE CHARGED TO MY ACCOUNT			
<i>Please deduct for Postage &amp;:</i>			
<i>(letter (notarized) regarding 2-code + retaliation)</i>			
<i>Mr. Jeffrey Beaulieu, d. Secretary 2520 Lisbon Rd., Box 575 Camp Hill, Pa 17011</i>			
3. INMATE'S SIGNATURE <i>[Signature]</i>		4. OFFICIAL APPROVAL <div style="border: 1px solid black; padding: 5px; margin: 5px;"><div style="text-align: center;">Inmate ID Verified <i>G. R. L.</i></div><div style="text-align: center;">Housing Unit Co's Signature Date <i>28 Jan 04</i> Unit <i>D/A</i></div></div>	
5. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED \$ <i>[Signature]</i>	DATE <i>[Signature]</i>	BOOKKEEPER <i>[Signature]</i>	

**EXHIBIT “D”**

DECLARATION

I, Daniel Francis, make the following Declaration under the penalty of perjury, pursuant to 28 U.S.C §1746:

I specifically recall the month and year that Anthony DeFranco was moved to my Housing Unit. It was in August of 2002. He moved in a cell with my homie, Terry Sherlock. Within ten days or so he had a hand-written grievance that had a notarized page attached. I recall reading this grievance which dealt with his needing his "Z-Code" back. Immediately after he asked me to read it, I walked with him to our mail-box, located on the Unit, and watched him drop this grievance in the box. The reason I recall this was because we had a very intense conversation over his "Z-Code" and how he felt they took it away to harm him. We continued our talk all the way to the mail-box and back to where we were previously seated. Anthony DeFranco did mail a grievance in August 2002 regarding his "Z-Code".

Date: 3-1-07

Daniel Francis  
Daniel Francis